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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,626	06/10/2005	Alexander Cornelis Geerlings	NL 021285	8943

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BRIARCLIFF MANOR, NY 10510

EXAMINER

AHMED, HAMDY S

ART UNIT

PAPER NUMBER

2186

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/538,626

**Applicant(s)**

GEERLINGS ET AL.

**Examiner**

HAMDY S. AHMED

**Art Unit**

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Claim 2 is cancelled.**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3 -7, 11-15, 17, and 19- 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Okazaki et al (us 6,424,606 B1).

AS to claims 1 and 17 Okazaki teaches a method of operating a storage device sensitive to vibrations in an environment with a source of vibrations (e.g., see abstract 1-10 and column 2, lines 12-24), characterized in that the method comprises the following acts: measuring the **signal** performance of the storage device ( e.g., see column 3, lines 37-39 "measuring the displacement of the pickup head assembly with tracking disabled to determine a vibration value" and the value of the vibration is a representation of the signal behavior), and when the measured performance of the storage device decreases below a pre-determined level taking action to reduce the influence of vibrations generated by the source of vibrations (e.g., see column 10, lines 16-27 "When the vibration value measured at resonance is greater than the predetermined vibration value limit, then the speed of operation is set 470 to low-speed mode, and the drive 100 is then operational 490 at the low speed. However, when the vibration value measured at resonance is less than the predetermined vibration value limit, then the speed of rotation is set 480 to high-speed mode, and the drive 100 is set to high speed. Low-speed refers

to the speed of rotation of an unbalanced disc that will not cause annoyance to the user in the form of noise and vibration. High-speed refers to the maximum rated speed of the drive".) the **signal** performance of the storage device includes at least one of access time of the storage device (see column 6, lines 5-15 wherein the output behavior of the signal is including the access time ( with regard reading data from the disc 105) .

As to claim 3, Okazaki discloses wherein the **signal** performance of the storage device is indicated by an average bit-rate of the storage device (see column 5, lines 1-19 wherein in this operation ensuring the high signal to- noise ratio indicates the average of the bit rate).

As to claim 4, Okazaki discloses wherein the action comprises an act of providing a message to a user to reduce the vibrations (see column 10 lines 20-27 where after the action is taken the speed of rotation is set to high or low depending the value of the vibration the user will be annoyance in form of noise and vibration as message).

As to claims 5, Kimura discloses wherein the source of vibrations is the first loudspeaker, and the loudspeaker and the storage device comprised in the same housing (e.g., see figure 2, elements 4B and 4A are loudspeaker in the same housing); wherein the action comprises an act of switching sound reproduction from the first loudspeaker to a second loudspeaker that is remote from the storage device (e.g., see column 4, lines 31-54)

As to claim 6, Okazaki discloses wherein the source of vibrations is a loudspeaker and the action comprising an act of reducing the volume of the sound produced by the loudspeaker (see figure 2 element 14 and element 32).

As to claim 7, Okazaki discloses wherein when the measured **signal** performance decreases below the pre-determined level and the environmental temperature of the storage

device is above a further pre-determined level, no action is taken (see column 10, lines 1-14 when the signal is measured under this temperature and condition there will be no action is taken).

As to claim 11, Okazaki discloses wherein: the source of vibrations is comprised by a first apparatus and the storage device is comprised by a second apparatus (see column 4, lines 54-65); the first and the second apparatus are connected by a network link; and the action comprises an act of controlling the first apparatus by reducing the power of the vibrations caused by the source of vibrations (e.g., see column 3, lines 21-45).

As to claim 12, Okazaki discloses wherein a further lower predetermined level replaces the predetermined level when the measured performance of the storage device is below the predetermined level during a predetermined period (see column 10, lines 20-34).

As to claim 13, Okazaki discloses wherein the act of measuring the **signal** performance of the storage device comprises an act of keeping statistics on the **signal** performance of the storage device and the action is performed when the statistics drop below the predetermined level (see column 10, lines 7-27, wherein measuring such signal the, vibration value provide an indication of the radial displacement).

As to claim 14 Okazaki discloses wherein the vibrations are access time of the storage device, median access time of the storage device (e.g., see column 2, lines 25-40), standard deviation of the access time of the storage device, and average bit-rate of the storage device (e.g., see column 6, lines 42-56).

As to claim 15, Okazaki discloses wherein the storage device is a disk drive (see column 3, lines 66-67 and column 4, lines 1-10).

As to claim 19, Okazaki wherein the source of vibrations is a disk drive arranged

to spin a disk in operation (see column 3, lines 65-67 and column 4, lines 1-10).

As to claim 20, Kimura discloses wherein the source of vibrations is a loudspeaker (e.g., see column 1, lines 30-49).

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Kimura patent No: (4,831,449).

As to claim 18, Kimure discloses Consumer electronics apparatus comprising: means for receiving a stream of audio-visual data; (a storage device arranged to store the stream of audio-visual data on a disk (see column 3, lines 60-67 and figure 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al (US 6,424,606 B1, Okazaki hereinafter), in view of Kimura (patent No: 4,831,449, Kimura hereinafter).

As to claim 8 Okazaki discloses claim 1 as mentioned above. But Okazaki does not teach” **the housing is a consumer electronics apparatus; the storage device is arranged to record an incoming stream of audio-visual data; the consumer electronics apparatus is arranged to reproduce the incoming stream of audio-visual data by means of a display**

**screen and the loudspeaker ; and wherein the method comprises the following acts: storing the incoming stream of audio-visual data on a disk by the storage device; and reproducing the stored stream of audio-visual data stored on the disk by means of the display screen and loudspeaker to display the incoming stream of audio-visual data instead of the stored stream of audio-visual data.**

However Kimura teaches" the housing is a consumer electronics apparatus (see figure 2, is a TV which is a consumer electronics apparatus); **the storage device is arranged to record an incoming stream of audio-visual data** (see column 1, lines 53-58); **the consumer electronics apparatus is arranged to reproduce the incoming stream of audio-visual data by means of a display screen and the loudspeaker**(see column 1, lines 59-67 and column 2, lines 1-4) ); **and wherein the method comprises the following acts: storing the incoming stream of audio-visual data on a disk by the storage device** (see column 2, lines 20-26); **and reproducing the stored stream of audio-visual data stored on the disk by means of the display screen and loudspeaker to display the incoming stream of audio-visual data instead of the stored stream of audio-visual data"** (see column 3, lines 46-56, wherein the signal is received by the television receiver and may be recorded in a tape cassette and simultaneously displayed ).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Okazaki by adapting the teaching of Kimura **and display the incoming stream of audio-visual data instead of the stored stream of audio-visual data in order** when the level of audio output from the speaker is created, the housing or cabinet, chassis component parts and the like of the apparatus may be made to mechanically vibrations, noise or distortions may appear in the reproduced picture (see column 3, lines 60-67).

As to claim 9, Okazaki discloses claim 1 as mention above and wherein the action to reduce the influence of vibrations generated by the source of vibrations (see column 3, lines 4- 44). But Okazaki does not teach display the incoming stream of audio-visual data instead of the stored stream of audio-visual data. However Kimura teaches "display the incoming stream of audio-visual data instead of the stored stream of audio-visual data", (see column 3, lines 46-56, wherein the signal is received by the television receiver and my be recorded in a tap cassette and simultaneously displayed). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Okazaki by adapting the teaching of Kimura and **display the incoming stream of audio-visual data instead of the stored stream of audio-visual data in order** when the level of audio output from the speaker is creased, the hosing or cabinet, chassis component parts and the like of the apparatus may be made to mechanically vibrations, noise or distortions may appear in the reproduced picture (see column 3, lines 60-67).

As to claim 10 Okazaki discloses claim 1 as mentioned above. But Okazaki does not teach **wherein the housing is a consumer electronics apparatus arranged to reproduce audio-visual data; second loudspeaker is not contained in the consumer electronics apparatus, second loudspeaker being connected to the consumer electronics apparatus; and the action comprises acts of : reducing reproduction of the audio-visual data through the first loudspeaker contained in the consumer electronics apparatus; and starting or increasing reproduction of the audio-visual data through the second loudspeaker.** However Kimura teaches wherein **the housing is a consumer electronics apparatus arranged to reproduce audio-visual data** see figure 2, is a TV which is a consumer electronics apparatus); second loudspeaker is not contained in the consumer electronics apparatus (it is inherent to a third speaker or other speaker that is not contained in



the consumer device), second loudspeaker being connected to the consumer electronics apparatus (see figure 2, element 4A and element 4B); and the action comprises acts of : reducing reproduction of the audio-visual data through the first loudspeaker contained in the consumer electronics apparatus (see column 2, lines 20-26); and starting or increasing reproduction of the audio-visual data through the second loudspeaker (see column 34-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Okazaki by adapting the teaching of Kimura **in order** when the level of audio output from the speaker is creased, the hosing or cabinet, chassis component parts and the like of the apparatus may be made to mechanically vibrations, noise or distortions may appear in the reproduced picture (see column 3, lines 60-67).

As to claim 16 Okazaki disclose claim 1 as mentioned above. But Okazaki does not teach wherein the action comprising an act of halting activities related to the storage device other than storage and retrieval of audio-visual data.

However Kimura discloses, wherein the action comprising an act of halting activities related to the storage device other than storage and retrieval of audio-visual data (see column 3, lines 60-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Okazaki by adapting the teaching of Kimura halting activities related to the storage device other than storage and retrieval of audio-visual data and displayed in order when the level of audio output from the speaker is creased, the hosing or cabinet, chassis component parts and the like of the apparatus may be made to mechanically vibrations, noise or distortions may appear in the reproduced picture (see column 3, lines 60-67).

### **Response to the argument**

The applicant argues that Okazaki does not disclose measuring the signal performance of the storage device. However Okazaki (e.g., see column 3, lines 24- 32 and column 3, lines 37-39 "measuring the displacement of the pickup head assembly with tracking disabled to determine a vibration value" and the value of the vibration is a representation of the signal behavior).

The applicant argues that Kimura does not disclose that the signal performance include at least one access time. However Kimura clearly explained in (column 6, lines 5-15 wherein the output behavior of the signal is including the access time (reading data from the disc 105 this equivalent to the access time).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMDY S. AHMED whose telephone number is (571)270-1027. The examiner can normally be reached on M-TR 7:30-5:00pm and Every 2nd Friday 7:30-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hamdy S Ahmed/  
Examiner, Art Unit 2186

/Pierre-Michel Bataille/  
Primary Examiner, Art Unit 2186